

MINUTES

IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY

OCTOBER 7, 2009

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

***CLOSED SESSION MEETING – 5:30 P.M.
REGULAR MEETING – 6:00 P.M.***

CLOSED SESSION

MAYOR JANNEY called the Closed Session Meeting to order at 5:30 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	McCoy, Rose
Councilmembers absent:	King
Mayor present:	Janney
Mayor Pro Tem present:	Bragg
Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald

CLOSED SESSION

MOTION BY MCCOY, SECOND BY ROSE, TO ADJOURN TO CLOSED SESSION UNDER:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Property: 849 Palm Ave., Imperial Beach, CA 91932, (portion of) APN
No. 626-250-05

Agency Negotiator: City Attorney and City Manager

Negotiating Parties: Goodwill Industries of San Diego County, Inc.

Under Negotiation: Instruction to Negotiators will concern price and/or terms of
payment

Property: 803 Palm Ave., Imperial Beach, CA 91932, (portion of) APN
No. 626-250-05

Agency Negotiator: City Attorney and City Manager

Negotiating Parties: Inner Visions c/o Deborah Sides

Under Negotiation: Instruction to Negotiators will concern price and/or terms of
payment

MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, ROSE, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	KING

MAYOR JANNEY adjourned the meeting to Closed Session at 5:30 p.m. and he reconvened the meeting to Open Session at 6:00 p.m. Reporting out of Closed Session, MAYOR JANNEY announced Council met earlier in Closed Session, received information from staff, gave direction and had no reportable action.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:01 p.m.

ROLL CALL

Councilmembers present:	McCoy, Rose
Councilmembers absent:	King
Mayor present:	Janney
Mayor Pro Tem present:	Bragg

Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald
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PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

None.

MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/REPORTS ON ASSIGNMENTS AND COMMITTEES

COUNCILMEMBER MCCOY spoke about the Fiesta del Rio event.

MAYOR PRO TEM BRAGG announced the inaugural Farmers Market will be held at Silver Strand Plaza on Friday from 2:00 p.m. to 6:00 p.m.; and she announced Mar Vista High School teacher Cherylyn Sias received the school's Teacher of the Year award.

COMMUNICATIONS FROM CITY STAFF

PUBLIC WORKS DIRECTOR LEVIEN introduced Guy Nelson, Environmental Program Specialist.

PUBLIC COMMENT

MARCUS BOYD claimed that the marijuana moratorium staff report from September 23, 2009 was full of politics; and he spoke in support of Council attending a meeting of the recently formed task force in the City of San Diego.

CITY ATTORNEY LOUGH stated that he is working on an ordinance based on the initiative, rather than being lobbied by one side or the other; he also stated that he is monitoring the task force in San Diego; and he will give City Council an update on the issue within the next two months.

PRESENTATIONS (1.1 - 1.4)

1.1 RECOGNITION OF BICYCLE SAFETY ESSAY CONTEST WINNERS. (0410-30)

PUBLIC SAFETY DIRECTOR SOTELO, along with IB Branch Library Manager June Engel presented bicycles to the following essay contest winners:

Gabriel Garcia
Kevin Garcia
Eli Kirkeeny
Samantha Kuglen
William Longworth
Gabriel Sanvictores
Henry Smisek
Sam Smisek

1.2 PRESENTATION OF PROCLAMATION IN RECOGNITION OF FIRE PREVENTION MONTH. (0410-30)

MAYOR JANNEY presented a proclamation in recognition of Fire Prevention month to PUBLIC SAFETY DIRECTOR SOTELO.

1.3 PRESENTATION ON PROPOSED ART PIECE FOR DAHLIA AVE. STREET END BY PORT COMMISSIONER BIXLER. (0150-70)

MAYOR PRO TEM BRAGG announced she may have a conflict of interest on this item due to the location of her place of employment and left the Council Chambers at 6:15 p.m.

PORT COMMISSIONER BIXLER gave a presentation on the proposed art piece for Dahlia Ave. street end.

EUGENE KOCHERGA gave a PowerPoint presentation on the item.

DANNY LOPEZ reviewed the proposed plans.

PORT COMMISSIONER BIXLER reported that the Port is offering the art piece and a base; funding for the rest of the proposed design has yet to be determined; and he requested Council's support in order to move forward with the project.

MAYOR PRO TEM BRAGG returned to Council Chambers at 6:33 p.m.

**1.4 PRESENTATION ON GOVOPS GREENHOUSE GAS EMISSIONS INVENTORY.
(0230-90)**

BRIAN HOLLAND gave a presentation on GovOps greenhouse gas emissions inventory and submitted an Executive Summary of the 2005 City of Imperial Beach Greenhouse Gas Emissions Inventory

CONSENT CALENDAR (2.1 - 2.3)

MOTION BY MCCOY, SECOND BY BRAGG, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.3. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, ROSE, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	KING

2.1 MINUTES.

Approved the minutes of the regular City Council Meeting of August 19, 2009.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 69554 through 69663 with the subtotal amount of \$1,126,246.67; and Payroll Checks 41684 through 40748 for the pay period ending 09/10/09 with the subtotal amount of \$168,503.17; for a total amount of \$1,294,749.84.

2.3 ADOPT RESOLUTION NO. 2009-6808 – APPROVING THE TELECOMMUNICATION NETWORK LICENSE AND ENCROACHMENT AGREEMENT BETWEEN THE CITY AND NEXTG NETWORKS OF CALIFORNIA, INC. (0800-50)

Adopted resolution.

ORDINANCES – INTRODUCTION/FIRST READING (3)

None.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

PUBLIC HEARINGS (5.1 - 5.2)

**5.1 1230 13TH STREET – ORDER TO VACATE THE PREMISES, THE BUILDING DECLARED UNSAFE, UNFIT FOR HUMAN OCCUPANCY, AND PUBLIC NUISANCE.
(0470-20)**

Correspondence and photos submitted by property owners Jon Sanchioli and Patricia Eaton, received October 7, 2009, were submitted as Last Minute Agenda Information.

CITY MANAGER BROWN introduced the item.

CODE COMPLIANCE OFFICER GARCIAS gave a PowerPoint presentation on the item.

MAYOR JANNEY closed the public hearing.

City Council opposed the request to waive the administrative fees.

MOTION BRAGG, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2009-6809, ASSESSING \$500.00 IN ADMINISTRATIVE FEES, AND CONCURRING WITH STAFF'S DECISION ORDERING THE PREMISES VACATED AND DECLARING THE STRUCTURE AT 1230 13TH STREET UNSAFE, UNFIT FOR HUMAN OCCUPANCY, AND A PUBLIC NUISANCE. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, ROSE, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	KING

5.2 1174 SEACOAST DRIVE – ORDER TO VACATE THE PREMISES, THE BUILDING DECLARED UNSAFE, UNFIT FOR HUMAN OCCUPANCY, AND A PUBLIC NUISANCE. (0470-20)

Additional details regarding structural hazards identified at 1174 Seacoast Drive and Fire Safety Inspection Report were submitted as Last Minute Agenda Information.

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

CODE COMPLIANCE OFFICER GARCIAS gave a PowerPoint presentation on the item.

MIKE BIXLER expressed concern about parking, the number of units allowed, and the foot of the stairway on the west side of the building may be on public beach.

DELIO BACALSKI supported the item (did not wish to speak).

CODE COMPLIANCE OFFICER GARCIAS reported on the status of the case; he noted that all but one unit had been vacated; the remaining tenant is being represented by an attorney and has agreed to move out on October 19; staff will continue to monitor the situation.

ROSE MCCANN, property owner, responded to questions about the remaining tenant.

COMMUNITY DEVELOPMENT DIRECTOR WADE spoke to concerns of Council regarding the code compliance process and timing of this case; he noted that the property owner has been responsive.

CITY ATTORNEY LOUGH stated the City does not have liability in this case and that responsibility rests with the landlord.

MAYOR JANNEY closed the public hearing.

MOTION BY BRAGG, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2009-6810, ASSESSING \$500.00 IN ADMINISTRATIVE FEES, AND CONCURRING WITH STAFF'S DECISION ORDERING THE PREMISES VACATED AND DECLARING THE STRUCTURE AT 1174 SEACOAST DRIVE UNSAFE AND UNFIT FOR HUMAN OCCUPANCY, AND A PUBLIC NUISANCE. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, ROSE, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	KING

REPORTS (6.1 - 6.3)

6.1 RESOLUTION NO. R-09-195 – APPROVING A REQUEST FROM PACIFIC REALTY FOR FAÇADE IMPROVEMENT PROGRAM MATCHING FUNDS AT 280 PALM AVENUE. (0640-20)

Façade Improvement Program Guidelines were submitted as Last Minute Agenda Information.

CITY MANAGER BROWN introduced the item.

REDEVELOPMENT COORDINATOR SELBY gave a report on the item.

GARY TRIESCHMAN submitted copies of the landscape and façade design; and he requested Council's approval of his request for additional funds.

MAYOR JANNEY announced he had ex parte communication with the Mr. Trieschman; and supported the item.

In response to Council's concerns, COMMUNITY DEVELOPMENT DIRECTOR WADE stated that the landscaping for this project will match the landscaping at the Serenity Garden.

MOTION BY JANNEY, SECOND BY ROSE, TO ADOPT RESOLUTION NO. R-09-195 – AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO EXPEND FUNDS NOT TO EXCEED SIXTY THOUSAND DOLLARS (\$60,000) FOR THE PACIFIC REALTY BUILDING FOR FAÇADE IMPROVEMENTS. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, ROSE, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	KING

6.2 PROPOSED ARMY CORPS OF ENGINEERS NEARSHORE SAND DEPOSIT. (0220-70)

E-mail correspondence from Scott John of the Army Corps of Engineers and Daren Johnson, sent October 2, 2009 (after posting of the agenda); e-mail correspondence and photos from Serge Dedina of Wildcoast; and e-mail correspondence with photos from Roger Benham were submitted as Last Minute Agenda Information.

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a PowerPoint presentation on the item; he reported that two projects currently underway (the Scripps Institution of

Oceanography's Pollutant Transport Dilution Experiment and the USGS Fate & Transport study) may be impacted by the proposed project; this issue will be discussed at a meeting on October 13, and the project will be presented to the Tidelands Advisory Committee on October 14; staff will report back to City Council on October 21.

SCOTT JOHN, of the Army Corps of Engineers, responded to questions of Council; he noted that the Army Corps has been working closely with the Scripps Institution of Oceanography and the US Geological Survey (USGS); neither of whom has raised concerns regarding the project; the sand that will be deposited has come in through natural sources, has tested clean, and has compatible grain size.

SERGE DEDINA, member of Beach Sand Stakeholder Group, spoke about difficulties with previous sand dredge projects; he expressed concern about limited public notice for this project; he questioned what the City's policy is on its beachfront; he also questioned what the city does to drive a policy that's cost effective for taxpayers; and he requested that the City Council not approve the project, he suggested a policy that addresses sea level rise and climate change and obtain endorsement by stakeholders in IB (additional speaking time donated by John Perno).

MARK CLANNCH opposed the item (did not wish to speak).

JOSEPH DACONG opposed the project and echoed comments made by Mayor Pro Tem Bragg and by Serge Dedina; he questioned the timing of the program; and requested City Council reject the project.

PALOMA AQUIRRE, Coastal Conservation Program Coordinator for Wildcoast, spoke in opposition to the project.

MIRIAM IOSUPOVICI spoke in opposition to the project.

EMILY YOUNG opposed the item (was not available to speak).

ISRAEL DEDINA opposed the item (was not available to speak).

DANIEL DEDINA opposed the item (was not available to speak).

DAVE LOPEZ spoke in opposition to the project and thanked Council for recognizing the project's faults.

City Council spoke in support of a Debris Management Plan, including visual monitoring of the dredged material; they noted their concerns about moving forward at this time given the uncertainties.

6.3 RESOLUTION NO. R-09-196 – AUTHORIZING A SECOND CONTRACT AMENDMENT WITH EDAA/AECOM IN THE AMOUNT OF \$50,000 FOR THE COMMERCIAL ZONING REVIEW. (0610-95)

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a report on the item; the amount requested should be sufficient enough to cover the remaining tasks; and staff will return with a refined scope of work.

MOTION BY BRAGG, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. R-09-196 – AUTHORIZING THE EXECUTIVE DIRECTOR/CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO A CONTRACT FOR PROFESSIONAL SERVICES WITH EDWARDS&KELCEY INC. TO COMPLETE THE REVIEW OF THE CITY’S COMMERCIAL ZONING AND DEVELOPMENT REGULATIONS OF THE CITY’S GENERAL PLAN/LOCAL COASTAL PLAN AND ZONING ORDINANCE. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, ROSE, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	KING

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

None.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 8:59 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, CMC
City Clerk